

Stormwater Stakeholder Advisory Group (SAG)

July 13, 2015
Draft Meeting Notes

Location: DEQ Piedmont Regional Office
Training Room
4949-A Cox Road
Glen Allen, VA

Start: 10:18 a.m.
End: 3:57 p.m.

SAG Members Present:

Michael L. Toalson, HBAV
Adrienne Kotula, James River Association
Rick Parrish, Private Citizen (formerly SELC)
L. Eldon James, Jr., Rappahannock River
Chris Pomeroy, Aqua Law
Austin R. Mitchell, Amherst County
Larry J. Land, VACO

Jimmy Edmonds, Loudoun County
Elizabeth A. Andrews, DEQ
Melanie Davenport, DEQ
Peggy L. Sanner, Chesapeake Bay Foundation
Philip F. Abraham, VACRE (arrived at 10:30am)
James Golden, DEQ (arrived at 11:20 am)
Joe Lerch, VML (arrived at 11:30 am)

SAG Members Absent:

Glenn Telfer, Draper Aden
Whitney Katchmark, HRPDC
Peter J. Rigby, Paciulli Simmons
M. Ann Neil Cosby, Sands Anderson

Bart Thrasher, VDOT (PM)
Katie Frazier, Va. Agribusiness Council
Douglas Beisch, Stantec

Facilitator: Mark Rubin, VCU
Recorder: Debra Harris, DEQ

Guests and Public Attendees:

Richard Street, VAEPO & Spotsylvania County
Jim Filson, Dewberry
Dale Chestnut, TMV
June Whitehurst, Norfolk
Allie Buff, CBF
Joe Wood, CBF
Nick Bittner, CBF
Taylor Moore, VACO

John Olenik, VDOT
Zaac Topping, Common Law Govt
Shannon Varner, Troutman Sanders
Lee Hill, Joyce Engineering
Jason Ericson, Dominion
Carla Pool, DEQ
Drew Hammond, DEQ
Fred Cunningham, DEQ

I. Agenda Item: Welcome & Review Minutes and Developments

Discussion: Mr. Rubin welcomed everyone to the meeting of the SAG¹. Mr. Rubin explained that there is an open chair at the table for members of the public to use during a discussion and all attendees were reminded to sign-in. The agenda for the day (Attachment B) was briefly reviewed and the SAG had no comments on the minutes (Attachment B – Draft Minutes) from the June 8th meeting.

II. Agenda Item: Nutrient Work Group Update

Discussion: The SAG was provided an overview/update on the NWG's efforts regarding the revisions/clarification of the requirements in § 62.1-44.15:35. The proposed revision to this section (Attachment B – Nutrient Credits Draft) was discussed by the SAG. The SAG did note some concerns over the use of offsite credits and the impact of that use on local water quality and MS4 compliance. It was noted that law allows developers to use credits, including offsite credits, and the balance to that allowance is that localities may impose some restrictions on the use of the credits. It was further explained that the revision to 15:35 proposed by the NWG was an attempt to allow offsite options while insuring the protection of local waters and also to provide assurances to MS4s regarding credit trading impacts to TMDLs/TMDL development and MS4 compliance. The SAG asked that the draft language be revised to further address the concerns noted.

III. Agenda Item: Brief discussion of advocacy in an interest based problem solving process

Discussion: Mr. Rubin explained advocacy in an interest based problem solving process and asked for the SAG input on provide some of their main interests regarding this program. The SAG listed such items as local control, efficiency, clarity, streamlining,

¹ See List of Acronyms in Attachment A

² 7/13/15 SAG Meeting

accountability, access to technical experts, certainty, timeliness, effectiveness, consistency and fairness, availability of staff resources and continued protection of water quality that the new consolidated program should provide in order to be successful.

IV. Agenda Item: Discussion of the IWG's Opt-In Lite Proposal

Discussion: The SAG was provided an explanation of the proposed “who does what” options that the IWG was considering. As a third option beyond either opting in to or opting out of implementing a consolidated program, the IWG proposal included an opt-in “lite” program. Under opt-in lite, the locality would implement the consolidated program except that the DEQ would perform the technical review of the plans (see Attachment B – SWM_ESC Consolidated Chart and Talking Points). This opt-in lite proposal was vetted to some localities by their SAG member representatives and the feedback included some concern over DEQ administering the VESCP. Overall, the localities were positive on the consolidated approach to the programs in order to eliminate redundancy. The SAG discussed the proposal and noted some concerns. The SAG proposed that the opt-out option be eliminated so that localities could choose from opt-in or the opt-in lite proposal as this would keep the ESC work with the locality. The SAG discussed the options as they relate to Towns.

The SAG broke for lunch at 12:18 pm and reconvened at 1:26 pm.

The SAG continued its discussion of the two options including when and how localities can change their choice to be opt-in or opt-in lite, what resources will be needed for the consolidated program both local and DEQ, the effect of the consolidated program on sites that only require ESC, the relationship between the DEQ and locality for the opt-in lite program, and how towns could choose to implement the program.

The SAG took a break from 2:17 p.m. until 2:25 p.m.

V. Agenda Item: Work Group Reports

Discussion: Reports from each of the work groups were provided to the SAG (Attachment B). Based on the discussion, the IWG will further consider the fee program and the WWG and EWG will continue to work on their sections of the consolidated law and finalize their recommendations for the next SAG meeting.

It was reported to the SAG that two members have resigned from the SAG, Glen Tefler and Ann Neil Cosby. The SAG was asked to think of replacements for these members.

The meeting was then adjourned.

Attachment A

List of Acronyms

Acronyms:

ACOE – Army Corps of Engineers
CBPA – Chesapeake Bay Preservation Act
DEQ – Department of Environmental Quality
DPOR – Department of Professional and Occupational Regulation
ESC – erosion and sedimentation control
ESCL – Erosion and Sedimentation Control Law
EWG – Enforcement Work Group (a subgroup of the SAG)
IWG – Implementation Work Group (a subgroup of the SAG)
NWG – Nutrient Trading Work Group (a subgroup of the SAG)
RLD – Responsible Land Disturber
SAG – Stormwater Stakeholder Advisory Group
SWCL – State Water Control Law (in this context the term normally refers to the general provisions)
SWMA – Stormwater Management Act
VSMP – Virginia Stormwater Management Program
WWG – Wordsmithing Work Group (a subgroup of the SAG)

Attachment B Handouts



AGENDA



SAG_2015_06_08_DraftMins.pdf



Nutrient Credits Draft
07_02 .docx



HBAV_VACRE_PROPOSED
SED COMPROMISE 7-8



SWM_ESC_Consolidated
Chart.docx



TalkingPointsProposed
ConsolidateProgram



VSMPPopulationMap
_2010Census.pdf



VSMP_VSMPMap_V7-
15.pdf



VAPopulationMaps.pdf



Fee Provisions.pdf



Development of
regulations Strawman